

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GARDEN CITY EMPLOYEES’ RETIREMENT SYSTEM,)	Civil Action No. 3:09-cv-00882-WJH
)	
)	Chief District Judge William J. Haynes, Jr.
Plaintiff, and)	
)	<u>CLASS ACTION</u>
CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND,)	
Individually and on Behalf of All Others)	
Similarly Situated,)	
)	
Lead Plaintiff,)	
)	
vs.)	
)	
PSYCHIATRIC SOLUTIONS, INC., et al.,)	
)	
Defendants.)	
)	

DECLARATION OF DANIEL J. PFEFFERBAUM IN SUPPORT OF MOTION
TO EXCLUDE EXPERT OPINIONS OF PAUL BRAITHWAITE

I, Daniel J. Pfefferbaum, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of California and admitted *pro hac vice* to this Court. I am an associate of Robbins Geller Rudman & Dowd LLP, lead counsel for the class in the above-entitled action. I make this Declaration in Support of Motion to Exclude Expert Opinions of Paul Braithwaite. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify hereto.

2. Attached hereto are true and correct copies of the following documents:

- Exhibit 38: Expert Report of Paul Braithwaite, FCAS, MAAA, February 10, 2014 [under seal];
- Exhibit 39: Transcript of Deposition of Paul Braithwaite, June 13, 2014 [under seal];
- Exhibit 40: Transcript of 30(b)(6) Deposition of Jack Polson, June 5, 2013 [under seal];
- Exhibit 41: Transcript of Deposition of Laura Sprouse, August 30, 2013 [under seal];
- Exhibit 42: Letter from Ariel N. Lavinbuk to Daniel J. Pfefferbaum, June 26, 2014 and notes taken by an Alston & Bird attorney during interviews that Mr. Braithwaite conducted (PSYS-EXP_009195-98 [under seal];
- Exhibit 43: Expert Report of Joseph J. DeVito, CPA, January 10, 2014 [under seal];
- Exhibit 44: Supplemental Expert Report of Joseph J. DeVito, CPA, February 10, 2014 [under seal];
- Exhibit 45: Expert Surrebuttal Report of Paul Braithwaite, FCAS, MAAA, June 5, 2014 [under seal];
- Exhibit 46: Professional and General Liability, Estimation of Unpaid Claim Liabilities and Loss Forecast for 2008, based on data as of November 30, 2007, dated December 20, 2007 (PSYS_0007-00693-744) [under seal];
- Exhibit 47: Email from Randy Marshall to Steve Wilson, Subject: FW: financial impact of removing potentials, January 14, 2008 (PSYS-E-001278167) [under seal];
- Exhibit 48: Email from Dulce Mooney to Chris Roscoe, Subject: RE: PLGL, December 20, 2007 (PSYS-E-000096439) [under seal];
- Exhibit 49: Email from Sunny Turner to David Duckworth, Kevin Murphy, Subject: FW: Actuary Reports, January 23, 2008 (PSYS-E-002498920) [under seal].

Exhibit 50: Psychiatric Solutions, Inc., Professional and General Liability, Exhibit V, “Summary and Selection of Ultimate Limited Losses by Report Year” (SAS0003671) [under seal]; and

Exhibit 51: Letter from Ariel N. Lavinbuk to Daniel J. Pfefferbaum, dated March 31, 2014, enclosing Defendants’ Objections and Responses to Plaintiffs’ First Set of Requests for Production of Documents to All Defendants Concerning Expert Reports [under seal].

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 2nd day of July, 2014, at San Francisco, California.

s/ Daniel J. Pfefferbaum

DANIEL J. PFEFFERBAUM

CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of July, 2014, the foregoing DECLARATION OF DANIEL J. PFEFFERBAUM IN SUPPORT OF MOTION TO EXCLUDE EXPERT OPINIONS OF PAUL BRAITHWAITE was filed electronically with the Clerk of the Court and has been served by operation of the Court's electronic filing system upon the following:

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I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 2, 2014, at San Francisco, California.

ROBBINS GELLER RUDMAN & DOWD LLP
DENNIS J. HERMAN
DANIEL J. PFEFFERBAUM

s/ Daniel J. Pfefferbaum

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